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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE THREE HUNDRED AND FIFTY-NINTH MEETING

Held at Graz, Austria,
on Monday, 3 June 1991, at 10.30 a.m.

Chairman:

Mr. HOHENFELLNER

(Austria)

- Other matters
- Report of the Scientific and Technical Subcommittee on the work of its twenty-eighth session (continued)
- Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (continued)
- Other matters
- Organization of work

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The meeting was called to order at 10.45 a.m.

OTHER MATTERS

The CHAIRMAN: I call on the representative of the Soviet Union on a procedural matter.

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): Like many other participants I am still thinking about the excursion organized for the Committee yesterday by the Styrian authorities. I wish to ask you, Mr. Chairman, to convey our deep gratitude to the Governor and the Deputy Governor, who accompanied us, and to all who welcomed us.

I suggest also that we ask the Secretary of the Committee to include in our report on this session either a resolution expressing our gratitude to the Government of Austria and the Styrian authorities for their warm welcome, or a paragraph expressing the same sentiments.

The Committee might wish also to express its gratitude to Mr. Peter Jankowitsch, either in a resolution or in a paragraph of its report.

I wish now to report some sad news. Yesterday was a day full of joy for us all, but it ended on a sad note for the Soviet delegation. We heard that the mother of a member of our delegation, Mr. Kozyrev, had died. Mr. Kozyrev left today for Moscow. I think the Committee will permit me on its behalf to tell Valentin that our thoughts are with him in his grief and to convey our condolences to him.

The CHAIRMAN: On behalf of the Committee, I express deep condolences on this sad event.

On the other points the representative of the Soviet Union has just made, the Secretary will take note of them and, should the Committee agree, take action on them.

Still on procedural matters, I call on the representative of Chile.

Mr. GONZALEZ (Chile) (interpretation from Spanish): My delegation wholeheartedly echoes the proposal just made by Ambassador Maiorski. Our welcome here in Graz has been most warm; the hospitality reached a high note yesterday. Even in the excellent context of what preceded it, yesterday's events were a pleasant surprise.

Through you, Sir, we extend the Chilean delegation's condolences to Mr. Kozyrev on the unfortunate death of his mother.

The CHAIRMAN: I call on the representative of France, still on procedural matters.

Mr. BOYER (France) (interpretation from French): The French delegation joins wholeheartedly in supporting the proposal just made by the representative of the Soviet Union. I would add it was exceptionally hospitable of the Deputy Governor of Styria to welcome us and accompany us on the first portion of our tour.

I also join in conveying condolences to Mr. Kozyrev on the death of his mother.

REPORT OF THE SCIENTIFIC AND TECHNICAL SUBCOMMITTEE ON THE WORK OF ITS TWENTY-EIGHTH SESSION (A/AC.105/483) (continued)

IMPLEMENTATION OF THE RECOMMENDATIONS OF THE SECOND UNITED NATIONS CONFERENCE ON THE EXPLORATION AND PEACEFUL USES OF OUTER SPACE (continued)

Mr. FAROKHI (Islamic Republic of Iran): As this is my first statement to the Committee at this session, I should like to express my delegation's sincere congratulations to you, Sir, on your election as Chairman of the Committee on the Peaceful Uses of Outer Space. I should like also to express our appreciation to Mr. Peter Jankowitsch. I wish you both success.

(Mr. Farokhi, Islamic
Republic of Iran)

Many of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82) were designed to place the resources of outer space at the service of mankind. For that reason, my country agrees with paragraph 19 of the report of the Scientific and Technical Subcommittee (A/AC.105/483) in which support is expressed for full implementation of the recommendations of UNISPACE 82. There is no need to emphasize the importance of the implementation of those recommendations in the context of meeting the needs of developing countries for space knowledge and technology.

Concerning paragraphs 43 and 45 of the report, which emphasize the establishment of regional centres for space science and technology education in existing national or regional educational institutions in developing countries, as endorsed by the General Assembly in its resolution 45/72 and as mentioned in the comprehensive statement made by the United Nations Expert on Space Applications, Mr. Abiodun - to whom I express my appreciation - my country has already indicated its readiness to host a centre in our region.

Since 1972 my country has been involved in the field of satellite remote sensing activities and the application of remotely sensed data in natural-resource monitoring and management. In 1975 an Iranian remote sensing centre was established to receive, pre-process, process and distribute data among users from other related organizations within our country. It also organizes many national and international training courses, workshops and seminars. The centre coordinates and administers all activities related to remote sensing at the national level. Of course, that is but a part of the space-related activities carried out in my country.

(Mr. Farokhi, Islamic
Republic of Iran)

The designation of 1992 as International Space Year has given new impetus to international endeavours in the area of the exploration and peaceful uses of outer space. In the context of activities planned for the Year, the Islamic Republic of Iran fully supports and recommends continuation of studies to identify the potential of space technology in the service of mankind, particularly the study of natural-disaster monitoring and control. By documenting all such studies, as recommended by the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, we can increase awareness by developing countries of the potential advantages and benefits of space technology in dealing with many of the devastating problems facing - but not limited to - those countries.

Finally, I should like to express my appreciation to Mr. Carver, Chairman of the Scientific and Technical Subcommittee, and to Mr. Muhammad Nasim Shah, Chairman of the Working Group of the Whole to Evaluate the Implementation of the Recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space.

Mr. MURTHI (India): My delegation would like to make a few brief remarks on the work of the Scientific and Technical Subcommittee at its twenty-eighth session and on the agenda item relating to the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82).

Looking at the overall work of the Scientific and Technical Subcommittee during its session, my delegation is satisfied with its extensive discussions on a wide range of topics. There were also a number of presentations on the science and technology aspects of various developments in the field of space

(Mr. Murthi, India)

technology. We particularly commend the International Astronautical Foundation (IAF), the Committee on Space Research (COSPAR) and the Outer Space Affairs Division for their efforts in organizing a symposium on the special theme chosen for the session.

(Mr. Murthi, India)

Considering the relevance of the special themes on which the Scientific and Technical Subcommittee focuses at its sessions to the promotion of space activities in developing countries, and taking into account our own experience in the development and application of space technology, our delegation has been participating actively and has been making contributions to technical presentations. During the last session our delegation was pleased to share its views and experiences through a presentation on the applications of remote sensing for the development of land resources.

We note that developments in space technology and its applications have been progressing rapidly and continuously in various member countries. The Scientific and Technical Subcommittee needs to pursue technical interaction in that connection to the extent that it serves to enrich the Subcommittee's work on its current and potential future agenda items. Interaction on scientific and technical matters should also aim to achieve the following:

identification of interests common to all countries and expression of those interests in terms of agreed technical parameters; recognition of the particular, urgent needs of developing countries; exchange of information on existing avenues, and exploration of further avenues, for promoting international cooperation; and identification of the requirements for further development of legal aspects and appropriate contributions to assist the work of the Legal Subcommittee. Continuous attention to those elements would certainly enrich the work of the Scientific and Technical Subcommittee.

The Scientific and Technical Subcommittee has been considering questions related to nuclear power sources as a matter of priority. After years of deliberations, the Subcommittee agreed by consensus during its 1990 session on a set of guidelines and criteria for the safe use of nuclear power sources in

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outer space. On that basis, the Legal Subcommittee achieved consensus in the same year on draft principle 3, relevant to that subject. Efforts have been under way also to reach agreement in the Legal Subcommittee on a complete set of principles on the subject at the earliest possible time.

However, it was proposed this year in both Subcommittees that there be certain modifications and that the agreed text of the guidelines and criteria for the safe use of nuclear power sources in outer space be revisited. Considering that agreement was reached on these proposals after prolonged negotiations and in a spirit of compromise and cooperation on the part of all delegations, and considering that the overall text of the guidelines envisages a review of the principles at a later date, we share the view that the Committee should facilitate further progress on the principles remaining to be agreed in the Legal Subcommittee and endeavour to achieve agreement on a total set of legal principles at the earliest possible date. We support retaining this as a priority agenda item for the Scientific and Technical Subcommittee in order that other outstanding issues related to the subject may be considered.

Let me turn now to the United Nations Space Applications Programme and the implementation of the recommendations of UNISPACE 82, both of which were considered on a priority basis in the Scientific and Technical Subcommittee. The Working Group of the Whole, which was re-established in the Subcommittee during its twenty-eighth session, did commendable work in reviewing those items and making certain recommendations. We urge that urgent consideration be given to implementing its recommendations. In that context, we would particularly like to welcome the Working Group's decision to carry out during 1992 a comprehensive assessment of the implementation of the recommendations of UNISPACE 82.

(Mr. Murthi, India)

Also, the Working Group's recommendation on carrying out a few specific studies to demonstrate the potentials of space technology requires our attention.

We note with appreciation that in response to the earlier recommendations of the Working Group the Secretariat prepared a number of reports. We believe the information they contain will be of great use to member countries. In addition, the detailed responses provided by Member States and international organizations on the progress of their space activities, including information on those activities which could promote greater international cooperation, will be useful in our efforts to broaden international cooperation.

Our delegation has always considered that the Space Applications Programme is very important in promoting the wider dissemination of the applications of space technology among all countries, particularly developing countries. We endorse the programme recommended by the Scientific and Technical Subcommittee at its last session. We heard with interest the statement of the Expert on Space Applications at this session, and we should like to convey our appreciation to him. We reiterate our call for the further strengthening of the Programme with a view to facilitating speedier implementation of the recommendations of UNISPACE 82. We have already stressed that one of the further initiatives the Space Applications Programme could pursue is assisting developing countries in evolving cooperative arrangements and support for concrete space-application projects. We further urge the Committee to consider ways in which additional resources could be made available to sustain and strengthen the Programme.

We are happy to note the efforts being made by the Outer Space Affairs Division in pursuance of our Committee's recommendations, as endorsed by the General Assembly, on establishing regional centres for space science and

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technology education in existing national and regional educational institutions. Our delegation would like to express its appreciation of the efforts of the Expert on Space Applications and the Outer Space Affairs Division and to reiterate its support for the early realization of this initiative.

Our delegation has always attached importance to the protection and preservation of the outer space environment, including those aspects that affect the Earth's environment. In that connection we welcome General Assembly resolution 45/72, which recommended that more attention be paid to all aspects related to that subject.

(Mr. Murthi, India)

In this context, we share the concern of several other delegations regarding the potential hazard that increasing amounts of debris in outer space could pose to future activities in outer space, and for this reason our delegation has been pressing for the inclusion of this subject on the agenda of the Subcommittee. We welcome and support the recommendation of the Scientific and Technical Subcommittee that information on national research on this subject continue to be provided to the Subcommittee. We have also stressed on other occasions the rationale for including the subject on its agenda on an immediate basis. We hope that the Committee will reach consensus regarding the inclusion of the subject on its agenda on an urgent basis.

Mr. DUMITRIU (Romania) (interpretation from French): Referring to agenda item 7, the delegation of Romania appreciates the fact that, thanks to the favourable climate that has arisen in recent years, international cooperation in the field of the peaceful exploration of outer space has made remarkable progress. It must be noted that the United Nations bodies linked to space activities have contributed considerably to the progress achieved. However, my delegation would like to point out some specific aspects of this item.

As regards the United Nations Programme on Space Applications, our delegation feels that the Programme must continue its role of supporting interested countries in their efforts to obtain and implement space technologies and to create national technical and technological capacities in order to benefit from the applications of space technology for development. That is why we feel it is necessary to find ways to widen the Programme, in particular through voluntary contributions from countries that are drawing the main benefits of space research.

(Mr. Dumitriu, Romania)

As to remote sensing, in its resolution 37/89 the General Assembly decided that the outer space Committee should continue to consider the co-ordinating role of the United Nations in remote sensing. That recommendation is closely linked to the tendency to consider satellite remote-sensing activities as operational on purely commercial bases, with the subsequent substantial increase in the costs of remote-sensing products. In this way, effective access to data may well be seriously limited. Apart from this obstacle, there are difficulties of a technical and organizational nature in implementing remote-sensing technology in ongoing development and research programmes. I could not finish this somewhat pessimistic picture without recalling that the serious shortage of specialists and the very high cost of equipment make the situation of many States even more difficult.

The delegation of Romania feels that the Committee, and in particular the Scientific and Technical Subcommittee, must study this question also from that angle in order to deal with the future of remote sensing in relation to all interested countries and to support their efforts to implement remote-sensing technology.

As regards "Questions relating to space transportation systems and their implications for future activities in space", discussion has been limited to the implementation and prospects of launches, without dealing with the direct practical consequences and ways for action as regards international cooperation. Presentations in this field can be the subject of a general debate or be provided in documents distributed to delegations. The success of debates in this regard will, to a great extent, depend on the way in which they are founded on the real needs and aspirations of States to benefit from outer space exploration.

(Mr. Dumitriu, Romania)

It is well known that the new transportation systems are also large space-science laboratories. The Committee and its Subcommittees must find practical solutions for cooperation among interested States in the studies to be carried out in these laboratories, and adequate and beneficial means of promoting international cooperation in the technology and techniques developed by these laboratories. At the same time, we feel it is necessary to consider the underlying economic implications of space transportation systems on many branches of human activity.

Concerning the "Matters relating to astronomy", our delegation feels that there is no doubt that cooperation in the scientific research of outer space and the universe - in a word, that miraculous creation of God, as it was called by the representative of the Holy See - is of particular importance. But we must draw into this cooperation all States that seek the beneficial and stimulative means of access to space technologies and techniques, in order to give real substance to the idea that outer space is a resource for all mankind.

As to the results of studies on astronomy, they are given in detail in the meetings of such scientific bodies as the Committee on Space Research and the International Astronomical Union. We feel that the information provided in the general debate is sufficient in that respect.

Finally, on the item "Matters relating to life sciences, including space medicine", the delegation of Romania recognizes the importance for our Committee of the consideration of this problem. Moreover, we would like to suggest that the usefulness of this specific field could be enriched by that of space biotechnology, including experiments carried out in microgravity.

(Mr. Dumitriu, Romania)

Before concluding, I would like to inform participants that the fifth international Seminar on the construction of equipment for satellites and space vessels will be held in Romania in September 1992, under the auspices of INTERCOSMOS. For the first time, this Seminar is open to specialists from all countries. Initial information on this Seminar will be sent as soon as possible to all contacts in the member countries of the Committee, and to other experts of non-member countries.

Mr. ROTH (Germany): Turning to the work of the Scientific and Technical Subcommittee, we would like to express our satisfaction with what has been achieved over the past years. For more than 10 years, the space Committee and its Subcommittees have devoted a major part of their activities to developing criteria for nuclear power sources. Germany has made regular contributions and attaches great importance to this subject.

In the German delegation's view, the need for adopting the entire catalogue of principles has not changed. The considerations which, years ago, led to the inclusion of this agenda item and to the setting-up of the Working Group are still as valid as they were then.

After the adoption of principle 3 last year, which became possible thanks to careful preparation and a constructive atmosphere, our attention should now be directed to completing the entire catalogue. In the German delegation's view, there is no need for renewed debate on the unanimously adopted principle 3. Such a debate might in fact have a detrimental effect. Any endeavour to alter or improve this basic element could endanger the success already achieved and postpone the adoption of the entire catalogue indefinitely. The German delegation feels it would be better at this point in time to conclude work on the catalogue rather than defer achievement of the

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joint goal still further. Moreover, draft principle 12 envisages revision of the catalogue after a certain period.

For the future organization of work, the German delegation suggests that the Working Group on nuclear power sources meet unofficially aside from the Scientific and Technical Subcommittee, as was done this year following an Austrian proposal, or officially, if need be, in order to support the work of the Legal Subcommittee or to observe the technical development - for example, of nuclear-powered launchers - with regard to the future principle 12. Completion of the catalogue of principles would constitute a major success for the outer space Committee and for the Scientific and Technical Subcommittee in particular. It would enhance the reputation of these bodies and, above all, act as an incentive to the members of these panels to address topics still outstanding.

(Mr. Roth, Germany)

Germany welcomes the fact that importance is increasingly being attached to Earth observation and the relevant environmental problems. The global changes which are currently occurring in the climate, vegetation and oceans are taken very seriously by the Federal Republic of Germany.

Germany considers Earth observation from space a particularly suitable approach and an opportunity for improved recording of these processes as a basis for international cooperative countermeasures. In this context, we would like to mention that we are hoping for the successful launch of ERS-1, whose scientific mission precisely supports these approaches. The ERS-1 is a European mission which is supported by Germany to a substantial extent.

Germany would therefore appreciate it if the outer space Committee could continue to attach increasing importance to the subject of Earth observation. This would help not only those countries with space programmes of their own but also other countries to contribute to the international space programmes for the exploration of the geobiosphere and of global change or at least to coordinate their activities with these programmes. This may, for instance, be important for the long-term continuation of initiatives which were launched in preparation of International Space Year 1992 under the aegis of the space agencies.

Germany will contribute to the international space year proclaimed by the United Nations, inter alia, with various application-oriented projects, for example, bilateral manned mission and the organization of a European International Space Year Conference in cooperation with the European Space Agency and the European Community.

The European International Space Year Conference will take place in Munich from 13 March to 4 April 1992. Under the Conference title, "Space in the Service of the Changing Earth", it will focus on space utilization

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aspects. The central subject of the Conference is the investigation of global change, including major Eastern and Western European satellite projects, and will concentrate in particular on practical aspects of the use of space, for example, mainly environmental observation.

Finally, I would like to mention that, mindful of the recommendation adopted at the forty-fifth session of the General Assembly, Germany's scientific community continues national research on the question of space debris. The results of these research activities have from the outset been presented to the public at international conferences. In addition, for three years new findings have been made available to the Scientific and Technical Subcommittee in response to the Committee's appeal.

In concluding, let me stress that international cooperation has always been the guiding principle of German space activities. This policy remains unchanged for the unified Germany. An example of this is our Government's decision to continue sponsoring the United Nations international training course on the application of remote-sensing data to geological aspects. The third course in this series will take place in Germany this autumn. We will continue to gear our space activities towards international cooperation, bearing in mind the particular needs of developing countries.

Mr. HOFGARD (United States of America): The United States welcomes the opportunity to provide its views on the results of the work of the Scientific and Technical Subcommittee and the implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82). We wish to extend our special gratitude to Mr. John Carver for again so ably chairing this year's session.

(Mr. Hofgard, United States)

We also wish to express our appreciation for the efforts of Mr. Adigun Abiodun, the United Nations Expert on Space Applications. The United States has been working closely with the Programme on Space Applications to implement a three-part programme as part of the United Nations role in International Space Year. We believe that the substantive training and educational opportunities provided through the Programme form a solid foundation for the involvement of the United Nations in International Space Year. In this connection, my delegation was particularly pleased with the comprehensive booklet on International Space Year prepared by the Outer Space Affairs Division.

As all are aware, International Space Year will commemorate the five-hundredth anniversary of Columbus' voyage to the New World and the thirty-fifth anniversary of the International Geophysical Year, which ushered in the space age with the launching of the first artificial satellites. Originally proposed by the United States Congress and endorsed by Presidents Reagan and Bush, the Year represents a unique opportunity to publicize several significant international space research and education programmes and to communicate the importance of space science and technology to the general public.

Within the United States, preparations for the Year are proceeding at a rapid pace. In coordination with 28 national space agencies and eight affiliated international members of the Space Agency Forum on International Space Year, the United States, through the National Aeronautics and Space Administration (NASA), is involved in numerous programmes aimed at promoting the goals and objectives of International Space Year, including those in Earth sciences and technology, space science and space education. We are pleased to note that one of the main international events related to the Year, the

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World Space Congress of the International Astronautical Federation and the Committee on Space Research, will be in Washington D.C. in August 1992.

In other areas related to the Subcommittee's work, this year's session marked the debut of an expanded agenda item on national and international activities related to the Earth environment, including particular progress in the geosphere-biosphere programme. The United States was gratified to see the Subcommittee take note of the importance of the "Mission to Planet Earth" programme and, in particular, the central role of the Earth Observing System. We believe that international cooperation in the area of Earth observations is fundamental, particularly in terms of full and open access to relevant scientific datasets.

Concerning the use of nuclear power sources in outer space, my delegation submitted a working paper in the last Scientific and Technical Subcommittee session which proposed revisions to certain portions of the Subcommittee's recommendations underlying draft principle 3. We believe the proposed revisions provide a solid foundation for producing sound technical recommendations that will enjoy wide international support. In our view, the Working Group on nuclear power sources has been a valuable mechanism for the Subcommittee's work on nuclear power sources and, as such, should continue to be convened. In this connection, I wish to reiterate the interest of the United States in working with Member States to reach a prompt and satisfactory conclusion to the principles.

With respect to the subject of space debris, my delegation supports the General Assembly's recommendation, contained in resolution 45/72, that Member States pay more attention to the problem of collision with space debris as well as other aspects of the problem. The General Assembly also called for the continuation of national research on this question.

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NASA plans to conduct over 1,200 hours of observation in 1991 and 800 hours in 1992. Researchers are hopeful that these observations will decrease the current uncertainty in the estimation of the size of the debris population from 300 per cent down to approximately 30 per cent by 1992.

Measurement of return samples from the Long Duration Exposure Facility, which spent six years in space, will also be an important source of data to determine the effect of the debris environment upon different structures and surfaces. These measurement and observation programmes, combined with studies aimed at mitigating debris, will complement efforts aimed at refining current environment and applications models. As research proceeds over the next few years, we hope to have a better scientific understanding of the debris environment and the possible long-term consequences of orbital debris. Much more research needs to be done in this area and that is why we believe that space debris could be an appropriate subject for future discussion in the Committee, although my delegation is not convinced that we have reached that time.

To conclude, my delegation fully supports the report of this year's Scientific and Technical Subcommittee and we look forward to a productive session next year.

The CHAIRMAN: I now call on the representative of the United Nations Conference on Environment and Development. In this respect, I draw the Committee's attention to paragraph 102 of the report of the Scientific and Technical Subcommittee, in which the Subcommittee recommended that the secretariat of the Conference be invited to provide the Committee on the Peaceful Uses of Outer Space with information on the preparations for that Conference.

Mr. VAVILOV (United Nations Conference on Environment and Development (UNCED)): We are extremely grateful for the invitation extended to Mr. Maurice F. Strong, Secretary-General of the United Nations Conference on Environment and Development (UNCED), to send a representative of the secretariat to provide the Committee on the Peaceful Uses of Outer Space with information on the preparations for the Conference.

In fact, just glancing through the report of the Scientific and Technical Subcommittee, one cannot fail to note the growth of the Committee's environmental agenda. I refer to such item as national and international space activities related to the Earth's environment, in particular progress in the geosphere-biosphere (global change) programme; the theme fixed for the special attention of the 1991 session of the Subcommittee on airborne and satellite remote sensing for prospecting mineral and groundwater resources and for monitoring and managing biological resources, with emphasis on agriculture; the new theme fixed for the Subcommittee's attention at its twenty-ninth session - space technology and the development of endogenous capabilities; and the question of space debris and the safe use of nuclear-power sources in space. Finally, as we understand it, the Subcommittee has a mandate from the General Assembly to pay more attention to

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all aspects related to the protection and preservation of the outer space environment, especially those potentially affecting the Earth's environment.

These questions, of course, have been under discussion for some time in the Subcommittee. But they also have a direct relevance to the broad environment and development agenda of UNCED, and they not only concern monitoring and assessing change in such areas as land resources, biodiversity, oceans or atmosphere, but also have implications for such broad cross-cutting issues as the transfer of environmentally sound technologies to developing countries, exchange of information, education and development of human resources, as well as legal and institutional questions. The formulation of integrated strategies aimed at attaining the objective of sustainable and environmentally sound development requires a comprehensive approach. This is why we at the UNCED secretariat welcome the stated desire of the Committee, whose authority in scientific, technical and legal questions of the peaceful uses of outer space is so great, to explore areas of action complementary to our own agenda.

This occasion provides an opportunity for that. Although our secretariat's work necessarily responds to and focuses on mandates as formulated by the General Assembly and our own Preparatory Committee, the broad nature of the UNCED process provides for discussion of the linkages between issues considered in different forums and for the integration of environmental issues with related developmental problems. The UNCED process does not seek to duplicate processes in other forums, nor is it in competition with these processes. Rather, it complements them and enhances their usefulness by providing a framework for integrating what emerges from these processes into a broad-based programme of action on sustainable development. The discussions in the framework of this Committee and ideas or

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recommendations emanating from it will therefore provide important input for the preparations for 1992 and make them yet more comprehensive and substantial.

The Conference in Brazil coincides with the twentieth anniversary of the United Nations Conference on the Human Environment held in Stockholm in 1972. That Conference put the environment issue on the agenda of the world community. Mr. Strong, the Secretary-General of the Stockholm Conference, is leading preparations again. But 1992 will be no mere commemorative or nostalgic event. Indeed, it must produce agreement on the basic principles and broad range of actions required to make the transition to a sustainable future. The Brazil Conference is about both environment and development. The important reality is that environmental impacts arise as a result of our economic behaviour and can only be addressed effectively by changes in that behaviour. Thus, the main task of the 1992 Conference will be to move the environment issue into the centre of economic policy and decision-making.

Sustainability will require an effective use of resources and accountability. This must depend primarily on the provision of the necessary incentives to change as well as regulatory measures. The operation of market forces can and must be a powerful ally in providing incentives. Thus, the system of incentives and penalties through which Governments create the conditions that motivate our economic life must be re-examined and reoriented.

The issues that we are going to address at the Earth Summit in 1992 include climate change, ozone depletion, transboundary air pollution, management of hazardous wastes and toxic chemicals, protection and management of land resources, conservation of biological diversity, protection of the oceans and coastal areas, and the quality and supply of freshwater. These issues are set forth in General Assembly resolution 44/228. All of them will be approached on a basis which integrates environmental and developmental

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considerations and also takes into account patterns of consumption and production, improvement of the living and working environment of the poor, population and human health. Cutting across each of these individual items will also be the key issues of the financial resources and technologies required, particularly by developing countries, to provide the means for cooperative action and institutional changes.

The issues we are dealing with today are global in context and systemic in nature. They can neither be understood nor dealt with effectively within the confines of the individual perspectives, mandates and capacities of traditional institutions and compartmentalized disciplines. That is why, in preparing for the Conference in Brazil, we are addressing the question of underlying linkages between all issues.

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The Conference is expected to develop and approve the following: an "Earth charter" or declaration of basic principles, building upon Stockholm, to govern our behaviour towards each other and towards nature, so as to ensure global environmental security - this is expected to be a short but powerful document which could, we hope, be signed by countries' leaders; conventions, particularly on such critically important issues as climate change, biodiversity, and possibly an instrument on forests; an agenda incorporating a series of specifications - actions - for the remainder of this century and leading well into the twenty-first century, "Agenda 21", with targets, costings, priorities, allocation of programmes and responsibilities, and also time-frames for implementation - all this would distinguish it from other action programmes, of which there are a multitude - and there will also be a provision for the monitoring of implementation.

Agreement will have to be reached on the means to ensure the implementation of the programme. New and additional financial resources will be needed, as well as access to environmentally sound technologies on fair and affordable terms, particularly for developing countries.

The Conference is also expected to strengthen institutional mechanisms and address legal issues, such as environmental law and relevant aspects of other issues under discussion. Deliberation on these issues has already started.

In keeping with the integrative nature of the 1992 Conference, our secretariat has launched a work process which deeply involves its partners in the United Nations system. Several working parties have been set up with

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members drawn from United Nations agencies and organizations, non-governmental organizations and independent experts. These working parties provide the necessary expertise. They also produce reports, and manage to overcome the bureaucratic hurdles and time delays which are so characteristic of international structures. Clear political support has been given by the United Nations Secretariat to provide for effective preparation.

The next session of the Preparatory Committee for the 1992 Conference is to be held from 12 August to 4 September in Geneva, where, we hope, specific options for decisions to be taken in 1992 will be discussed. Such is the tenor of a new set of documentation being finalized currently by the secretariat.

Naturally, all proposals of a programmatic nature for consideration at Rio will have to be integrated into "Agenda 21". The fourth, and last, session of the Preparatory Committee, expected to start on 9 March 1992 in New York, will finalize these proposals. The six-week rule would require us to finalize documents in all languages by the end of January 1992. This means that all relevant inputs for our working process have to be available by December this year.

We still do not know enough about the environment. Science is a glass from which we have just taken a small sip. I am happy to say that the support of the scientific community has been exemplary. The International Council of the Scientific Unions has agreed to become our scientific adviser and it is developing an important science agenda for Rio. We must be guided by the best available scientific evidence. Much more monitoring, assessment and research are required. But on issues that affect the very survival of our planet, we

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must act on the best evidence available, in accordance with the "precautionary principle".

A scientist visiting us recently made an ironic observation: a decision-maker would not change energy policy with a 5 per cent probability of climate change; but he will react quickly if told that there is a 5 per cent chance that his dinner contains salmonella.

"We cannot afford to wait for the certainties which only a post mortem could provide," Maurice Strong cautioned recently.

Let me conclude by thanking the members of the Committee for providing our secretariat this opportunity to share our views on a major issue of common concern. We have benefited greatly indeed.

The CHAIRMAN: I should like to express the Committee's gratitude to the representative of Mr. Maurice Strong, Secretary-General of the United Nations Conference on Environment and Development, for his statement and also for having responded to the invitation contained in paragraph 102 of the 1991 report of the Scientific and Technical Subcommittee. I am sure that his statement has impressed the countries members of the Committee.

Mr. MacDONELL (Canada): At this time we should like to address our remarks to agenda item 7, "Report of the Scientific and Technical Subcommittee", and agenda item 9, "Implementation of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space".

As we review the work of the Scientific and Technical Subcommittee our reactions are somewhat mixed. Many excellent presentations were made in the symposium organized by the International Astronautical Federation (IAF) and the Committee on Space Research (COSPAR) on the theme chosen for special attention: "Applications of airborne and satellite remote sensing for prospecting mineral and groundwater resources and for monitoring and managing

(Mr. MacDonell, Canada)

biological resources, with emphasis on agriculture, taking into particular account the needs of developing countries". Further useful special scientific and technical presentations were made in the course of the meeting. Our delegation believes that such technical presentations, when they focused on the issues under consideration by the Subcommittee and address the needs of member delegations, can make a significant contribution to its work.

Canada attaches particular importance to the implementation of the recommendations of UNISPACE 82. We know first hand the important role space applications can play in economic development and we shall continue to work with developing countries both through bilateral activities and the United Nations Programme on Space Applications, to facilitate their use of these beneficial technologies.

Earlier in this meeting both the Expert on Space Applications and the representative of the IAF referred to the workshop on space technologies for development that we shall co-sponsor with the United Nations and IAF in Montreal this October.

(Mr. MacDonell, Canada)

I need not describe the workshop further, but should like to note that we see it as important not only in its own right but also because it will make it possible for a larger number of representatives of developing countries to attend the International Astronautical Federation (IAF) congress which follows it.

Canadian representatives participated in the Space Conference of the Americas: Prospects of Cooperation for Development, held in San José, Costa Rica, last March and we welcome the announcement by the representative of Chile that a second Space Conference of the Americas will be held in his country. We shall continue to participate in such international gatherings as offer the opportunity of promoting increased cooperation in space.

Canada appreciates the Scientific and Technical Subcommittee's work aimed at developing a United Nations programme for International Space Year and encouraging the cooperation of member countries on this subject. Among other activities, Canada is participating in the Space Agency Forum on International Space Year, undertaking several activities in connection with the Year. We shall develop a global change encyclopaedia, drawing on data from around the world and presenting it in a form that can easily be used on personal computers. This encyclopaedia will be designed to help understand global change and will be available at cost to those interested all round the world.

I noted at the beginning of this statement that our assessment of the work of the Scientific and Technical Subcommittee had been mixed. This is of course because developments in the Committee, in particular a proposal to modify further a text previously agreed by consensus, have slowed what seemed to be rapid progress towards the conclusion of the long-debated nuclear power source principles. In our opening statement we already noted our assessment of these developments and it need not be repeated. It is clear that some

(Mr. MacDonell, Canada)

differences of opinion on this matter cannot be resolved at this session; but we remain hopeful that progress can be made through informal consultations before the next Scientific and Technical Subcommittee session. However, in the meantime it is important that our understanding of what we have accomplished is not clouded. In the general exchange of views the representative of the United States said that some misunderstandings may have arisen in the response to the working paper presented by the United States on principle 3. I can assure the Committee that we understand clearly both the content and the effect of the proposed changes and formulated our comments in the general exchange of views on that basis.

I am thankful to note that one misunderstanding on this same subject at the Subcommittee session has been resolved - although this may not yet be known by all delegations. I am referring, of course, to the questioning of the technical basis of principle 3 by a representative of the International Atomic Energy Agency (IAEA). These comments were made by the IAEA at the Scientific and Technical Subcommittee, even though it did not provide a technical expert for the meeting and admitted in its statement that it had not undertaken any work on the subject of nuclear power sources in space. Fortunately, the next time the subject was discussed, on the margins of the Legal Subcommittee, the IAEA was able to provide a technical expert who could confirm to this delegation, and several others, that the statement made at the Scientific and Technical Subcommittee had been based on a misunderstanding by the IAEA of the consensus text. Furthermore, the IAEA representative confirmed that there was no reason to propose changes to the text which had been agreed by consensus.

(Mr. MacDonell, Canada)

We have a clear, understandable text based on a strong technical foundation. It has certainly been the result of many compromises along the way, but these have not to this date undermined its technical basis. It is as unimpeachable on technical grounds as is possible in this business. It is the product of the work of technical experts from all concerned countries in the Subcommittee and at special meetings, such as that hosted by Germany in 1989. We regret that we must continue to address this topic, but in the spirit that has guided us throughout the long history of nuclear power sources we shall work to remove whatever obstacles remain in concluding the exercise.

Mr. FUJITA (Brazil): I wish to thank the representative of the secretariat of the United Nations Conference on Environment and Development (UNCED) for his report to our Committee. As members are aware, Brazil is going to host the 1992 UNCED Conference. The question of the environment is given very high priority in Brazil and we very much welcome the exchange of information that has taken place between the UNCED and Committee's secretariats on an item of common concern.

I think that the exercise that we have just engaged in underscores the importance of a coordinated effort within the United Nations system among its various bodies on mutually complementary questions. This enhances effectiveness and heightens the prospect of achieving the final goal of the United Nations system.

Brazil, like other countries, is deeply committed to the success of the 1992 Conference on Environment and Development (UNCED) and is aware that it will address very crucial questions of concern to all mankind, such as patterns of consumption, transfer of technology, financial resources and development needs. Ultimately it will tackle the fundamental and crucial relationship between environment and development. We therefore very much

(Mr. Fujita, Brazil)

encourage the continuation of this kind of exchange of information among bodies such as our Committee and UNCED which address the fundamental question of development of mankind as a whole.

To sum up, once again we thank UNCED's secretariat for its timely report, and we hope that we shall continue to have this kind of very fruitful exchange of information, which redounds ultimately to the benefit of all bodies of the United Nations system engaged in the achievement of development on Earth and in space.

OTHER MATTERS

Mr. BOYER (France) (interpretation from French): I should like in the time remaining at this meeting to raise a point of procedure. It relates to the question of translation of documents for the present session of the Committee.

The French delegation was approached twice and asked to be kind enough not to object to the unavailability immediately of translations into the relevant working languages of documents submitted by various delegations and by the secretariat of various documents that have been provided. Naturally, we agreed to this exceptional situation, because we understand that holding the session in Graz and not at United Nations Headquarters presents certain problems. However, we should like to say that this departure from the normal practice must not set a precedent, and that as soon as the Committee's work is finished, the French delegation will again exercise its traditional vigilance.

The CHAIRMAN (interpretation from French): I assure the representative of France that I shall take steps to ensure that the translated versions of documents are prepared in time in the future, and I shall also ask the Committee Secretary to contact the relevant Secretariat Services to ensure the translations into French.

ORGANIZATION OF WORK

The CHAIRMAN: At this afternoon's meeting, which will take place at 3.30, the Committee will take up agenda item 8, "Report of the Legal Subcommittee on the work of its thirtieth session". I urge delegations wishing to speak on that agenda item to inscribe their names with the secretariat as soon as possible.

The meeting rose at 12.05 p.m.



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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE
VERBATIM RECORD OF THE THREE HUNDRED AND SIXTIETH MEETING

Held at Graz, Austria,
on Monday, 3 June 1991, at 3.30 p.m.

Chairman:

Mr. HOHENFELLNER

(Austria)

- Report of the Legal Subcommittee on the work of its thirtieth session
- Organization of work

This record is subject to correction.

Corrections should be submitted in one of the working languages, preferably in the same language as the text to which they refer. They should be set forth in a memorandum and also, if possible, incorporated in a copy of the record. They should be sent, within one week of the date of this document, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.40 p.m.

REPORT OF THE LEGAL SUBCOMMITTEE ON THE WORK OF ITS THIRTIETH SESSION
(A/AC.105/484)

Mr. MAIORSKI (Union of Soviet Socialist Republics) (interpretation from Russian): I think I can be perfectly frank and say that the results of the last session of the Legal Subcommittee were not particularly encouraging. Only recently the Subcommittee acted as a international body and a genuine creative workshop for crafting contemporary space law; it worked actively and, most important, was very productive. Today, unfortunately, it looks more like a debating society.

In order to clarify the picture, let us simplify and agree that a gauge of the Subcommittee's effectiveness is the length of the new formulations it adopts. It is easy to see that at its last session, that gauge read zero: not a single syllable was agreed upon. I repeat that I am simplifying the picture, but it is a cause of concern in any event.

Take the item on the use of nuclear power sources in outer space. It has been 10 years since the Legal Subcommittee set up a Working Group on this item and since the Working Group began developing the relevant legal texts. Ten years is a long time, and the Group has carried out a good deal of work. The greater part of the road has been traveled; the basic clauses have been agreed upon, including the wording of the criteria for the safe use of nuclear power sources in outer space. We might have expected that the draft set of principles on nuclear power sources would be finalized this year. Frankly, we are convinced it could have been finalized even two or three years ago.

(Mr. Maiorski, USSR)

All of a sudden the Subcommittee was faced with a proposal to revisit important clauses it had already adopted. Whatever the motivation behind that proposal, we must note that, objectively speaking, it is retrograde and has hampered the work of the Legal Subcommittee.

Here I wish to address kind words to the delegations of Canada and the Federal Republic of Germany, which have been striving constantly to devise new wording that might enable us to reach consensus as speedily as possible. From the professional point of view I have the greatest respect for their efforts. But why should the Legal Subcommittee work in such a way that we always have to try to tie up the loose ends at the sessions of the Committee? Why cannot the Legal Subcommittee manage within the time and resources allotted to it to resolve the issues on its agenda?

Unfortunately, I must observe that there are also no prospects for the item on the definition and delimitation of outer space and the character and utilization of the geostationary orbit. That item has been on the Legal Subcommittee's agenda for a quarter of a century.

The Soviet delegation's consistent efforts to find mutually acceptable solutions to the question of delimiting airspace and outer space are very well known. At the last session we put forward a new initiative. We believe that if it is approved it will promote better understanding of the nature of the problem we are facing. It calls for consideration, within the framework of this item, of the international legal aspects of the operation of air and space systems at specific altitudes. We feel it could be possible in the future to formulate international legal norms and principles to govern the operation of such systems, including provisions on the overflight of one country's air and space systems through the airspace of other countries.

(Mr. Maiorski, USSR)

It would have been possible to begin discussion of this subject without first resolving the issues of the delimitation of airspace and outer space. The proposal was submitted in a spirit of good will; we were trying to break a deadlock. But it was not adopted by the Subcommittee, and we were invited to supply a more detailed explanation of our idea. I promise that we shall do so for the next session of the Legal Subcommittee. I hope we shall not then be asked instantly to produce a complete draft convention on each subject mentioned in the working document.

(Mr. Maiorski, USSR)

The recent proposal on the geostationary orbit by a group of developing countries creates interesting opportunities, but it has not yet received the Subcommittee's blessing. Of course, not every paragraph of that document could be the object of immediate agreement, but the Soviet delegation is quite ready to accept it as a basis for our future discussions.

On the item "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries", a wide range of approaches were apparent. But the overall thrust is that we must find new legal instruments promoting international cooperation in outer space and improve and perfect the international legal regime.

In that connection I call attention to a draft General Assembly declaration, introduced by a group of developing countries, on principles related to international cooperation in the exploration and use of outer space for peaceful purposes, contained in document A/AC.105/C.2/L.182 of 9 April 1991. After a first reading of that document we concluded that it provides good food for thought and for future joint work, and we would certainly discussing it paragraph by paragraph at the next session of the Subcommittee.

I wish finally to draw attention to the draft convention on manned space flight introduced at the session by the International Astronautics Federation (IAF) and drawn up by the relevant legal institutions of Germany, the United States and the Soviet Union. The Soviet delegation thanks the authors of that document for their commendable and extensive work. We have examined the draft convention and think it balanced and interesting, reflecting many of the ideas

(Mr. Maiorski, USSR)

previously put forward in the Subcommittee. This represents a good start for the future - the very near future, we hope.

The Soviet delegation wants to see the Legal Subcommittee resume its creative activities and restore its reputation as one of the General Assembly's most productive bodies.

In that context, my delegation wants to raise the issue of the venue of the Legal Subcommittee's sessions. Our position is very well known: we think we must continue the system of rotation between New York and Geneva, a system which has existed for 30 years and which functions satisfactorily and takes sufficient account of the interests of various groups of States. The arguments in favour of holding Subcommittee sessions in Geneva are as follows: It is very convenient geographically for representatives of European and many other States; it is also preferable for many countries in terms of staffing their delegations with experts on space law; it makes it easy for European lawyers and representatives of international organizations headquartered in Europe to participate in the sessions; and Geneva's atmosphere is conducive to compromise and progress in the work of the Subcommittee.

The latter point is intended quite seriously: we need only remember that it was in Geneva that the Legal Subcommittee reached consensus on a number of complicated and important issues. In 1986 in Geneva the Subcommittee completed work on principles relating to remote sensing of the Earth from space. In 1988 in Geneva the Subcommittee agreed on new wording for a new agenda item. In 1990 in Geneva the Subcommittee adopted the text of draft principle 3, the central principle in the draft set of principles on nuclear power sources. That might be a coincidence, but it is a suggestive one.

(Mr. Maiorski, USSR)

The main, if not the only argument of those who are against the system of rotation is that holding Legal Subcommittee sessions in Geneva is more expensive than holding them in New York. In this regard, when it comes to comparing costs between Geneva and New York things are not all that straightforward. As far as we can tell, cost comparisons in the past did not always favour New York. Nor is it clear whether the costs to United Nations agencies in sending their representatives to New York are taken into account. The participation of experts from such agencies as the International Telecommunication Union and the International Atomic Energy Agency is most important if the Legal Subcommittee is to make progress on the geostationary orbit or the use of nuclear power sources. And presumably a number of other observer organizations with headquarters in Europe would be playing a more active role in the Legal Subcommittee's activities on the new agenda item on the benefits of outer space.

Finally, and very important, the discussion of where to hold the sessions of the Legal Subcommittee has been going on for a long time. Sometimes we forget that formal decisions have already been taken on this question. We have heard 32-year-old documents quoted here before, and I should like to cite some documents which will soon be celebrating their twentieth birthday. In the view of the members who adopted these decisions, they were final. In December 1971 the Committee held a special meeting to decide, inter alia, the venue of future sessions of the Legal Subcommittee. At the outset of the meeting, the Chairman, Mr. Kurt Waldheim - who soon thereafter became Secretary-General of the United Nations - said

(Mr. Maiorski, USSR)

(spoke in English)

"I think we all agree that the matter of the venue of the Legal Subcommittee should be decided now, once and for all, in order to avoid in future the difficulties in which we have found ourselves this year ..." (A/AC.105/PV.107, p. 3)

(spoke in Russian)

The first speaker after the Chairman was a very respectable representative, who responded to the Chairman of the Committee, as follows:

(spoke in English)

"Mr. Chairman, we should indeed be very pleased if the question of the venue of the Legal Subcommittee could, as you have said, be solved once and for all, and we think it is a fair proposal that it should meet in 1972 in Geneva, in 1973 in New York, and so on, rotating the two places." (ibid.)

(Mr. Maiorski, USSR)

(spoke in Russian)

The name of that representative is Herbert Reis - a man respected by us all. He is a representative of the United States who has done considerable work in the Committee and the Legal Subcommittee.

The Soviet delegation was in favour of the proposal made by the Chairman and supported by the delegation of the United States. Indeed, it was supported by all who participated in the discussion and was adopted by consensus. Evidence of this is to be found in the verbatim record of the relevant meeting, document A/AC.105/PV.107. The decision was subsequently confirmed by the Committee itself and by the General Assembly.

The most recent confirmation of the decision to rotate the sessions of the Subcommittee between New York and Geneva is found in General Assembly resolution 40/243 of 18 December 1985. Operative paragraph 4 (h) sets out - as one of the exceptions to the general principle stated in the resolution - that the sessions of the Legal Subcommittee shall be held alternately at United Nations Headquarters and the United Nations Office at Geneva. Since that time, the Assembly has requested the Committee to take into account the opinion of the Advisory Committee on Administrative and Budgetary Questions, which recommended that the sessions be held in New York. It was also suggested that resolution 40/243, which was annexed, should be taken into account.

During our visit on Saturday to the church, we were poetically reminded of the Ten Commandments, symbolized by its 10 domes. The Fifth Commandment urges us to honour our parents. I would not want to say that those who took the 1971 decision are our parents, but we can in a sense extrapolate the same meaning. And if I may, I would refer again to the Bible, for during our visit we were also reminded of holy writ: the reason we have the Ten Commandments

(Mr. Maiorski, USSR)

and all the rest is because a copy was given us out of the Creator's special kindness, for on the first occasion that Moses came down from Mount Sinai bearing the tablets on which the Commandments were inscribed, he broke them when he realized that during his absence the people had been worshipping false idols. Adapting the situation to the present day, might we take that as a warning not to get bogged down in financial calculations?

In conclusion, I should like to note that in the past 20 years the issue of the site of the sessions of the Legal Subcommittee has not moved forward. No new arguments for or against have been advanced against the existing system of rotation. The consensus we attained in 1971 remains in force, therefore, and retains its validity. In light of that, the Soviet delegation urges all members of the Committee to demonstrate their goodwill and to adhere to the compromise consensus decision our forefathers took in 1971, so that - as was said at the time by the then-Chairman of the Committee - we might avoid future difficulties. The future is here, now. Let us not create difficulties.

The CHAIRMAN: I thank the representative of the Soviet Union for the rich historical reminiscences and theological content of his statement. It shows how demanding work in the Committee on the Peaceful Uses of Outer Space has become in recent years - thanks in part to the contributions of Ambassador Boris Maiorski.

Mr. OWOSENI (Nigeria): In its statement in the general exchange of views on 28 May the Nigerian delegation commented on some aspects of the work of the thirtieth session of the Legal Subcommittee as reflected in its report (document A/AC.105/484).

Our views centre, first, on the need to conclude consideration in 1992 of the remaining principles governing the use of nuclear power sources in outer space and, secondly, on our interest in the proposal put forward by the USSR

(Mr. Owoseni, Nigeria)

to begin a discussion of the international legal aspects of future exploration of aerospace systems and legal rules regulating flights in space as a way of breaking the impasse on agenda item 4, which concerns the definition and delimitation of outer space. We were happy to hear the USSR representative's statement just now, in which he indicated his country's readiness to elaborate on the proposal during the 1992 session of the Legal Subcommittee. Thirdly, we welcome the Group of 77 working paper on the character and utilization of the geostationary satellite orbit, which we view as a very positive contribution to overcoming the differences that have plagued that agenda item over the years. My delegation hopes that the Committee will pronounce itself very authoritatively on directing the 1992 session of the Legal Subcommittee to make rapid progress on those agenda items.

With regard to item 5 on the Subcommittee's agenda, which concerns the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of the developing countries, my delegation is encouraged by the positive disposition of delegations and various groups towards the deliberations that have taken place so far. From the replies received from Member States to the Secretary-General's note verbale of 26 September 1988 requesting information on national legal frameworks relevant to article 1 of the 1967 outer space Treaty, as well as from the conclusions of the sessions of the Legal Subcommittee held in 1990 and 1991, it is obvious that the agenda item has elicited considerable interest. If faithfully and vigorously pursued, agenda item 5 could become one of the few areas with positive prospects in the near future. We thus commend the efforts of the re-established Working Group under the chairmanship of Mr. Gonzales of Chile.

(Mr. Owoseni, Nigeria)

The position of the Nigerian delegation on that item was spelt out in detail at the twenty-ninth session of the Legal Subcommittee in Geneva in 1990. We are delighted that some of the proposals we made at that session have been incorporated into the working paper in document A/AC.105/C.2/L.182, of 9 April 1991, "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes," which was jointly sponsored by Argentina, Brazil, Chile, Mexico, Pakistan, the Philippines, Uruguay, Venezuela and Nigeria at this year's session, in April. The six main principles contained in the working paper, with their 18 paragraphs and 6 subparagraphs, are aimed at strengthening the principle of international cooperation encapsulated in article 1 of the 1967 outer space Treaty and the process of redressing the existing inequalities between the technologically advanced space nations and the preponderant disadvantaged developing nations without the necessary infrastructural resources and technological capability to benefit from space exploration and utilization. We believe that the common interests of mankind demand of us all that concrete expression be given, along the lines proposed in the working paper, to the true concept of international cooperation based on just access to and equitable enjoyment of the benefits of outer space, without discrimination.

The Nigerian delegation thus looks forward with optimism to the 1992 session of the Legal Subcommittee recording substantial progress on this agenda item so vital for the peaceful development of mankind.

(Mr. Owoseni, Nigeria)

Permit me now to comment on another question that does not pertain to the work of the Legal Subcommittee per se but which has always been linked to it or discussed in it, particularly in recent sessions, namely, the question of the venue and duration of the sessions of the Legal Subcommittee. The Nigerian delegation is aware of the continuing controversy that is raging between the advocates and opponents of continued rotation of the Subcommittee's sessions between New York and Geneva as well as shortening the duration of the yearly session from three to two weeks, as set forth in paragraphs 41 to 43 of the report of the thirtieth session. Of course, the USSR representative has just dealt eloquently with the background to the question of venue in a way that was highly insightful.

In the opinion of my delegation the question of venue involves two issues. On the one hand, as we are all aware, holding a session of the Legal Subcommittee in Geneva rotationally every two years is backed up by 1977 General Assembly resolution 32/71 of 1977, section I, operative paragraph 2, which was reaffirmed in 1985 in General Assembly resolution 40/243, section I, operative paragraph 4 (h), both of which were unanimously endorsed by all United Nations Member States, including Nigeria. We are also aware that those resolutions authorize other conferences or meetings, like some sessions of the Economic and Social Council, to be held rotationally between Geneva and New York Headquarters. Thus, to annul that decision would certainly require not only a consensus recommendation from the Committee on the Peaceful Uses of Outer Space but, reasonably, another pertinent General Assembly resolution to that effect. Considering the polarization of views that has attended discussion of this question, a consensus agreement would seem naturally difficult, hence the logic that the status quo should remain.

(Mr. Owoseni, Nigeria)

On the other hand, we are also aware that the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ), as recently as the 1989 session of the General Assembly, opined that it would be administratively and financially cheaper for the United Nations to hold at the New York Headquarters some meetings being held at Geneva, including those of the Legal Subcommittee. Considering the financial constraints facing the United Nations, that might be appealing to some Member States for obvious reasons. Other States members of the Committee which may not relish this administrative and financial argument, may however agree with the permanent New York venue for the other reason of better attendance at the sessions of the Legal Subcommittee owing to the availability of Permanent Mission personnel in New York as opposed to Geneva, where some States, particularly developing States with limited resources and manpower, do not have resident diplomatic missions.

On balance, Nigeria's view is that the issue of the Legal Subcommittee venue cannot be divorced from over-all consideration of other meetings that are now being held outside New York under the endorsement of the aforementioned General Assembly resolutions on "Pattern of conferences". Nigeria will continue, as in the past, to attend and effectively contribute to the Legal Subcommittee's session whenever it is held in Geneva. However, if it is the wish of the Committee on the Peaceful Uses of Outer Space or the General Assembly to move the venue permanently to New York, Nigeria will not stand in the way of such development.

Finally, on the issue of duration my delegation remains firmly in favour of the retention of the present three-week session of the Legal Subcommittee. We consider any attempt to reduce the duration as a disservice to the work of

(Mr. Owoseni, Nigeria)

that important arm of the Committee on the Peaceful Uses of Outer Space. We share the view of some delegations that such an attempt is a subtle way of denigrating the value of the Legal Subcommittee as well as a manoeuvre to negate the interests of the developing countries in various important issues being discussed in that Subcommittee. Certainly, the proponents of a shorter session will have to advance serious and convincing arguments before we have a second look at the matter. Nigeria is always ready for constructive proposals, just as we are always prepared for consensus agreement based on fair play and common interests. However, in view of the important items before the Legal Subcommittee right now, which call for adequate time for serious, in-depth consideration, we see no cause whatsoever for any reduction of the present three-week duration. Hence, we will find it difficult to join in the present campaign for a shorter session.

Mr. BONDE (United Kingdom): Mr. Chairman, since this is the first time that I have addressed this gathering, may I begin by expressing the pleasure of the United Kingdom Government at your election to the chairmanship of the Committee on the Peaceful Uses of Outer Space. I am new to this forum and thus have never had the privilege of working with your illustrious predecessor Dr. Peter Jankowitsch. It is clear, however, from what I have heard in this forum and from my colleagues in London and New York, that much of the considerable success of the Committee is due to his inspired leadership. My Government wishes him equal success in his new appointment. I am sure that the Committee will be equally successful under your leadership too. The United Kingdom delegation looks forward to working with you and hopes that we can contribute towards the success of this thirty-fourth session of the Committee.

(Mr. Bonde, United Kingdom)

I would also like to take this opportunity to express my appreciation of the quite remarkable hospitality and kindness shown by the City of Graz and the Governments of Styria and Austria. I am sure that this gathering would have no difficulty in reaching consensus if it were proposed to hold the Committee's meetings permanently in Graz.

The United Kingdom aims for the peaceful exploration and development of space technology for the overall benefit of all countries. For this reason the main thrust of the United Kingdom's space policy is directed, in collaboration with our partners in the European Space Agency, towards the development of remote sensing for observation and monitoring of the Earth's environment. We have been closely involved in development of the synthetic aperture radar for the European Space Agency's remote sensing satellites. These exciting new projects will greatly increase our knowledge of the oceans and the Earth's surface and contribute significantly to our understanding of the Earth's climate.

The United Kingdom actively encourages greater access to space technology for peaceful purposes. We contribute through fellowships and seminars in the United Kingdom to the bilateral and multilateral training schemes of the British Council, the World Bank, the European Community and the European Space Agency. Moreover, the Overseas Development Administration of the United Kingdom administers Government-funded aid programmes, which involve the utilization of United Kingdom space technology in telecommunications, agriculture and the monitoring and control of the environment in recipient countries.

(Mr. Bonde, United Kingdom)

The United Kingdom contributes fully and willingly to the programmes of such international organizations as the International Maritime Satellite Organization, the International Telecommunications Satellite Organization (INTELSAT), the International Telecommunication Union and the Search and Rescue Satellite of the Committee on Space Research (COSPAR/SARSAT) to the benefit of all. In particular, we contribute to the efforts of the European Meteorological Satellite Organization (EUMETSAT) to provide educational and training materials and continuing free access to the meteorological data needed to implement the World Meteorological Organization's programmes. In addition, the United Kingdom will take part in the meeting of the European Space Agency at ministerial level from 20 to 21 November, when the issue of greater access to the benefits of space technology will surely be on the agenda. The United Kingdom sees no requirement for the extension of any international legal framework in this area.

The United Kingdom welcomes the progress in the Scientific and Technical and Legal Subcommittees this year, especially on principles 8 and 9, on responsibility, liability and compensation relevant to the use of nuclear power sources in space. The United Kingdom hopes that this session of the Committee can continue this progress by reaching consensus on these two principles and also on principle 4, on safety assessments. The United Kingdom can understand the concern that has been expressed that principle 3, on the safe use of nuclear power sources in space, should be based on the latest sound scientific and technical findings. We share this concern and appreciate that it will be necessary to review this principle, not once but continually in the future, as technology advances. This, of course, is why principle 12, on the revision of the principles, exists.

(Mr. Bonde, United Kingdom)

We believe, therefore, that it is unnecessary to reopen discussion of principle 3 now. This would without question delay consensus on the whole set of principles, probably for many more years. Indeed, with the continuing advance of technology it may never be possible to reach consensus again on principle 3. We feel that, having come so far, the Committee should maintain consensus on the areas already agreed and concentrate on achieving further consensus on the remaining principles as quickly as possible. Afterwards, we can begin to review, under principle 12, each of the principles to reflect, as necessary, new circumstances and new technology, but this review would then be based on the firm framework of an agreed set of principles. The United Kingdom would like to see consensus on the principles concluded at this session of the Committee on the Peaceful Uses of Outer Space.

I should like to conclude by setting out the United Kingdom's position on the proposal which has been put forward for a legal regime to regulate the allocation of positions in the geostationary orbit. The United Kingdom believes that the allocation of slots in the geostationary orbit for telecommunications purposes should be the responsibility of the International Telecommunication Union and the issue should be left to that capable organization to reallocate positions, as necessary, by agreement, on a practical basis by the proper experts at the World Administrative Radio Conference in 1992.

The United Kingdom hopes that this session of the Committee on the Peaceful Uses of Outer Space can continue to focus on the more positive aspects of its work and appreciates the worthwhile and constructive discussion we have had on the agenda items before us.

The CHAIRMAN: I should like to welcome Mr. Stephen Bonde to the Committee on the Peaceful Uses of Outer Space and express the hope that he will stay with us for some time, as have many of the representatives of the United Kingdom.

Mr. YIN Yubiao (China) (interpretation from Chinese): First, Mr. Chairman, please allow me, on behalf of the Chinese delegation, to express my thanks, through you, to Mr. Mikulka, Chairman of the Legal Subcommittee, for his efforts in presiding over the work of the Subcommittee.

The Chinese delegation attaches great importance to the work of elaborating space law within the context of the Committee on the Peaceful Uses of Outer Space. It is our consistent view that the development of space science and technology and the carrying out of space activities cannot be separated from the strengthening of the legal order in outer space. Space law is a product of the development of space science and technology, and the development of space law plays a role in guaranteeing and promoting the development of space science and technology. China has always taken an active part in the elaboration of space law and a positive and constructive attitude towards the work of the Legal Subcommittee.

I should like to offer some comments on the agenda items before the Legal Subcommittee.

First, the item on the use of nuclear power sources in outer space has been a central issue on the agenda of the Legal Subcommittee. Thanks to many years of joint efforts, agreement has been reached on some principles. With respect to those principles on which agreement has yet to be reached, the views of various countries are well known. Hence, what remains is a mere drafting problem. We therefore believe that it is still possible to reach an

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agreement in the shortest possible time if all delegations make joint efforts in a spirit of seeking common ground, while reserving differences.

With regard to merging principle 2 with principle 4, merging "prior notification" with "safety assessment," we believe that the two principles are interrelated to a certain extent but that their contents are still different in nature. The important and substantive point is for the principles to incorporate all the elements concerning prior notification and safety assessment. As long as agreement is reached on the inclusion of those elements, it does not matter whether we have one or two principles. In future, the Subcommittee should focus its attention on formulating a draft principle containing both aspects before considering whether to have one principle or two.

With regard to principle 8, on responsibility, and principle 9, on compensation, some delegations, including my own, submitted a working paper (document A/AC.105/C.2/L.184) to the last session of the Subcommittee. The formulation in that working paper incorporated the relevant provisions of the outer space Treaty and took into account some of the views of various delegations, and it could therefore be used as a basis of discussion. We hope that on the basis of that formulation delegations concerned will carry out full consultations so as to reach agreement on the two principles as soon as possible.

With respect to the working paper submitted by one delegation at the last session of the Subcommittee concerning principle 3, on guidelines and criteria for safe use, the Chinese delegation believes that we should cherish the results achieved so far by the Legal Subcommittee. We therefore share the view expressed by the large majority of delegations at the last session of the

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Subcommittee that it would be advisable to set aside the working paper for the moment and come back to consider principle 3 when we have reached agreement on the rest of the principles.

Generally speaking, the Chinese delegation sincerely hopes that all delegations will exert sustained efforts in a spirit of consultation and cooperation. At its last session the Committee on the Peaceful Uses of Outer Space urged the Legal Subcommittee to make every possible effort, in its work on elaborating the draft principles, to arrive as soon as possible at a final text of draft principles on the use of nuclear power sources in outer space. I imagine that the Committee will make the same request at the present session.

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Secondly, I turn to the question of the definition and delimitation of outer space and to that of the geostationary orbit. As regards the first question, judging from past discussions, we assume that it is difficult to overcome the differences among various countries. With a view to promoting the deliberations on the item from a different angle, we agree that, at its next session, the Legal Subcommittee should begin its deliberation of the Soviet proposal on the legal aspect of aerospace flight. At the same time, we have taken note that the International Institute of Space Law will sponsor expert research on the question of definitions, including the terms related to the delimitation of outer space. We trust that the results of this research will be useful to the work of the Committee.

As to the geostationary orbit, we have taken note that a working non-paper was submitted at the last session of the Legal Subcommittee, during which some constructive ideas were presented. We have always believed that the relevant functions of both this Committee and the International Telecommunication Union (ITU) should be complementary. It might therefore be necessary to obtain the cooperation of ITU in the process of further discussion on the question.

Thirdly, the Subcommittee has begun its deliberations on the principle of common benefit in the context of a working paper. Some delegations have submitted a working paper entitled, "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes" (A/AC.105/C.2/L.182). While this document needs to be amended, it provides a basis for discussion, thus enabling us to consider the relevant questions under this agenda item in a more focused and specific way. China is a developing space country, and the Chinese delegation will take an active

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part in the discussion of this item. It trusts that all delegations will demonstrate their interest and promote our deliberations. Generally speaking, the Chinese delegation is satisfied with the work of the Legal Subcommittee, and hopes that it will make substantive progress in its various tasks.

The CHAIRMAN: It would be inspiring at this point to come back to the statement made by the representative of the Soviet Union, who alluded to Moses. In fact, it was the famous Austrian composer, Arnold Schönberg, who composed the opera "Moses und Aron". The third part of that opera remained unfinished, which meant that Moses was overcome by despair at not finding the right word to transmit his concept of God to the people. However, Aron represented God in a physical, tangible way - and members are all aware of the subsequent tragedy. The last phrase of the uncompleted opera is "words that I cannot find". I am personally confident, however, that this Committee and particularly the Subcommittee, will find the right words with the support of the Rapporteur, Mr. Perri, and that we will not leave our work unfinished like the opera of Arnold Schönberg.

I now call on the observer of the Holy See.

Mr. HAUPT (Holy See): May I submit some views on the unresolved matter of the Committee's competence to take up disarmament questions. I think this issue, in a wider, basic sense, comes under item 8. While not being a legal expert, I would suggest, with regard to this long-standing controversial issue, that the Committee should consider the following ideas as a possible acceptable compromise: first, all previously raised armament matters should lie within the competence of the Conference on Disarmament in Geneva; secondly, all future actions for the prevention of an arms race in

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outer space and of the militarization of outer space should from the outset be the responsibility of this Committee.

There will no doubt be overlapping areas. Both bodies are requested to see to all details, disentangle old and new problems and draw a clear distinction between the past and the future.

Ms. GONCALVES (Portugal): My delegation would like to take this opportunity briefly to express its points of view on some of the issues being considered by the Legal Subcommittee.

First of all, we believe that it is worth emphasizing the importance and urgency of adopting the draft principles on nuclear power sources. Moreover, we believe that the Subcommittee, particularly some of its members, can never be praised too highly for the efforts made and the work accomplished in this area in more than 10 years. For the most part, we agree with the compromise solutions reached this year, namely on principles 7, 8 and 9. The reopening of the debate on any of these issues would be regrettable.

Allow me to make three very brief comments concerning certain aspects and these principles. Regarding the issue of prior notification, which was raised again at the last session of the Subcommittee, it is our opinion that if the guarantees on the publication and dissemination of the results of the safety assessments are adequate and sufficient to inform interested countries, namely the more vulnerable ones, there would no longer be any grounds for controversy.

As to the meaning of "launching State", we favour an objective definition, which has thus far been implicit in the relevant principles. However, this view does not exclude the possibility of other countries or organizations assuming liability and compensation for damage under the terms

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of agreements between the launching State and other States or organizations which, clearly, are supposed to be arrived at in good faith. Lastly, while we do not, of course, wish to propose any amendments to the text at this late stage of the discussions, we regret that there is no explicit mention of damage to the environment, as well as liability for compensation of moral damage.

(Ms. Gonçalves, Portugal)

Turning to the issue that has been summed up as "outer space benefits", the Portuguese delegation accepts the concept of the drafting of a set of relevant principles, and agrees with other delegations that a part of the task of this Committee and the Legal Subcommittee should be to give meaning to article 1 of the outer space Treaty. There is general consensus that this principle implies that some conditions for and limitations on space activities should be complied with by States exploring and utilizing outer space, namely, non-appropriation and non-military use. However, these are negative conditions. We believe that our task should in fact be to draft the positive conditions for such activities. It seems to us that the first, general, question is whether, in addition to the duty to cooperate, the good will of States is also involved in this regard. In our view - and this is reflected to some extent in the working paper submitted under this item - States with stronger technological capabilities have a major responsibility in the promotion and development of international cooperation in the field of science and technology in space and their applications. This responsibility should result in the creation of further opportunities for developing countries, to participate in projects and activities and to have access to information, data, training, and so forth. The various modalities for this cooperation should, in our view, be made explicit in any text to be adopted, as has been done, to some extent, in working paper A/AC.105/C.2/L.182. The benefits of outer space, which are referred to in article 1 of the outer space Treaty, depend, in our opinion, on the variety and extension of such modalities of cooperation.

As to the concepts of interest, Portugal believes that it implies an evaluation and the will of the States concerned. That is why any set of principles on this matter should include the requirement that access to

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benefits should depend on the need of States and requests made by them. Indeed, there is an analogy with the provisions on the transfer of technology contained in the the Convention on the Law of the Sea.

Lastly, I should like to emphasize the importance that Portugal attaches to the role of competent international organizations, both global and regional, particularly in the United Nations system, in the furthering of conditions for a more equitable share of outer space benefits. That role should also be made quite clear in any set of principles to be drafted.

Mr. BOYER (France) (interpretation from French): During the general debate, I presented the French delegation's view on how we could evaluate the results of the work of the two Subcommittees this year, particularly the Legal Subcommittee. I pointed out that France is generally satisfied. Admittedly, principle 3 raised serious concern. My delegation for reasons of principle and proclivity would like to maintain its attempts at persuasion within the bounds of friendship. However, beyond that persuasion, we believe that we should continue to seek consensus on the other principles, particularly principles 4, 8 and 9. Progress has certainly been made, and at this very moment, progress could be made towards reaching in the near future what we would usually call a basis for consensus. In that regard, France is convinced that the solution to the problem raised by principle 3 could thereby be facilitated.

I should like to pay a very well deserved tribute on this occasion to the delegation of Canada, which for many years, has been endeavouring to promote this principle, has recently been sorely tested, but is tirelessly maintaining its course, availability, openness and smile. It has been supported by the representative of Germany, whose smile is even more radiant, as it comes from a female member of the species.

(Mr. Boyer, France)

As regards the geostationary orbit, the new item and the delimitation of outer space, I should like to take this opportunity to express France's view on the consideration and attention that the Committee and the Legal Subcommittee should attach equally to those points. In other words, they are all of equal importance to the delegation of France in terms of the Committee's work, even though French interests would legitimately tend to favour one point above another. This leads the French delegation to note that progress has been made on principles 4 and 5 - not yet progress on substance, but certainly progress towards organizing a fruitful discussion.

As regards the geostationary orbit, the French delegation noted with interest that the States that had defended the views most opposed to ours put forward proposals at the 1991 session which, while not as yet being acceptable to France, did represent a spirit of compromise, of which we took good note. In passing, I should remind my friend from the Soviet Union, who regretted that his proposal had not been adopted on the spot, that that proposal had been introduced a few hours before we adjourned. If I had simply expressed approval for his proposal at that time, I would have been putting myself in an orbit that would have been far from geostationary, and my Government would have requested an explanation of me. I mean by this that one cannot expect proposals to be the object of progress as soon as they are put forward. That is not possible. What is possible and legitimate is to request each delegation to do everything to ensure that progress can be made to demonstrate the spirit necessary to promote progress in our discussions.

The delegation of France would like to welcome the document on the new point put forward by a number of countries, and particularly the efforts made by Brazil. France believes that both directly and through the European Space

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Agency, of which we are an active member, we are already making efforts in terms of cooperation in matters relating to outer space. We have studied this document with care, and I must say frankly that it does give rise to numerous objections on the part of France. Nevertheless, it is a document that has been the object of much thought, and indeed it shows the beginnings of a compromise. The French delegation therefore believes that it is a very valuable contribution to our ongoing discussion.

I cannot conclude without praising the eloquence of the representative of the Soviet Union on the matter of Geneva. I reserve the right to return to this question in our discussion.

Lastly, I should like to join with a number of other colleagues in saying that we would very much enjoy returning every year to the sort of atmosphere that we have found in Graz this year. I repeat what I said yesterday to the Deputy Governor of Styria when we had our guided tour of Graz. We were told of a number of foreign invasions of Graz and the degree of destruction wrought by them. It has thus clearly had a troubled history. Today we see a peaceful, welcoming, beautiful city, and we realize that, Graz, like the rest of Austria, is a living illustration of European history. In other words, although it has been through testing times, it is now enjoying the fruits of cooperation, peace, entente and happiness - and it is always a pleasure to see happy people.

The CHAIRMAN (interpretation from French): I thank the French Ambassador very much for his contribution to our work, which is a good example of France's talent for persuasion.

Mr. REY CORDOBA (Colombia) (interpretation from Spanish): As this is the first time I have addressed the Committee during this session, may I express my satisfaction on your election, Sir, as Chairman of this Committee. This will no doubt guarantee the seriousness and the fruitfulness of our work over the next few years, and I hope that we have many years under your chairmanship. I have recently seen you at work in the Security Council, in difficult times; your efficiency and firmness in guiding the debates ensured a businesslike atmosphere at all times. We very much regret the departure of Mr. Jankowitsch, who performed sterling work over many years and undoubtedly made a significant contribution to the Committee's many achievements. To the authorities of the Province of Styria and of the City of Graz, we cannot but express many thanks for their constant care and attention, with a pleasant surprise at every turn, so much so that we have sometimes been distracted from our work through wondering what our congenial hosts are preparing for us next.

May I reiterate some of our delegation's views on the subjects under discussion. First, on the matter of nuclear power sources in outer space, we very much regret that, while progress was being made on this subject, we are now apparently encountering obstacles. I think that the development of this essential point of space law calls for maintaining the momentum we had attained, because this is a matter that is linked to many of the fundamental elements of space law, as is the peaceful uses of outer space.

Another question we have been discussing is whether or not the Committee should consider space debris. My country's delegation believes that the time has come for this very important item, which is an undeniable reality, to be taken up by the Committee. The fact that this problem has not thus far been

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placed on the Subcommittee's agenda does not mean that it does not in fact exist. We believe that the international community should take a decision on this issue before it is too late.

As to the delimitation of outer space, many years ago Colombia took a clear position on the matter. We wholeheartedly supported the proposals made by the Soviet Union. Our delegation believes that vital, new, autonomous space law is being elaborated. Surely, it is essential to determine its scope of application - where it starts, where it ends, how far it goes, in what circumstances the principles should apply. The argument that we have been able to develop space activities without major problems and without having any specific delimitation of outer space is no longer valid. When we began to develop space activities and space law, such a delimitation might not have been necessary. However, even as a theoretical principle of law, we clearly need a definition of scope. Otherwise, conflicts will arise in future. While we may prefer the traditional systems for the delimitation of outer space, we are not opposed for the sake of consensus to dealing with this subject in terms of aerospace heights. On the contrary, it is a major contribution of the Soviet Union. While we are open to discussion, I reiterate that we would not oppose the use of the traditional formulas that were initially proposed. Whatever formula is used, we think it would be an important contribution to a solution of the problem of the delimitation of outer space, having regard to the maintenance of outer space for peaceful purposes.

Of course, we must have our say on the geostationary orbit. We have consistently made a contribution to this subject. But I should now like to make a few specific points. Historically, our position has invariably been

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put forward jointly with the other equatorial countries. As members know, it was a Colombian proposal that was submitted through the Group of 77. In other words, Colombia was not operating as an equatorial country in this case, but rather as a developing country. It is important to maintain that distinction, as I believe it will no doubt help to dispel a few doubts on the matter, such as the question raised by the representative of Yugoslavia in a meeting of the Group of 77 as to the position of the four countries not members of the Committee. There is but one answer: this is not a proposal of the equatorial countries, but rather from Colombia as a developing country, through the Group of 77, because we believe that the proposal in question is one that can be taken on board for study, not only by the equatorial countries but also by the developing countries and, in particular, by the developed countries. I am most satisfied to note the initial reaction to that proposal in the Legal Subcommittee and in this Committee. So for the first time I feel that I do not have to put up my umbrella in our meetings. On the contrary, I have been very pleased to see that there is a readiness on the part of all countries to consider the matter, no doubt owing to the fact that the proposal contains elements that would enable us to frame a concept reflecting a similarity of ideas among all countries. That is what I shall now address.

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First, if we look at paragraphs 1, 2, 3 and 4 of the document submitted by the Group of 77 (A/AC.105/484, annex II, para. 12), we find that they contain principles already accepted by the international community. They are in the document only as a methodological base, as it were, to enable us to reach the conclusions that will later be included in that document. Thus, in the document we are basing ourselves on principles already accepted by the international community in treaties that have been adopted, particularly those of the International Telecommunication Union (ITU).

In this context, I should like to refer to one point already raised by other delegations - namely, that the subject of the geostationary orbit should not be dealt with outside the ambit of the ITU. That is fair enough, and I agree. But the proposal made by Colombia does nothing more than develop the principles established in the ITU international treaties. We would point out to those who assert that our work should be complementary to that of the ITU that what we have done contributes precisely to that aim.

Article 33 of the Nairobi Treaty - which is now in force - is repeated in the Nice Convention, which will come into force later, under the aegis of the ITU. In that article it is stated specifically that the geostationary orbit should be used efficiently and economically, and that access to the orbit should be equitable. "Equitable" is the word used in the ITU Nairobi Treaty of 1982. If we look at resolution 3 of the 1979 World Administrative Radio Conference (WARC), we find that it too contains a reference to the use of the orbit on an equitable basis. The 1973 Malaga-Torremolinos Treaty, which was replaced by the Nairobi Convention, also uses the words "equitable access to the orbit".

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Hence, this document has no other aim but to develop further the principle of equity, which has already been recognized in the ITU international treaties. I have always maintained in meetings of this Committee and of the Legal Subcommittee - and I shall never tire of repeating this - that international treaties speak not of equal access to the geostationary orbit but of equitable access. We all clearly understand that there is a difference between equality and equity. Equal treatment is identical treatment for all, whereas equitable treatment is equal for those who are equal and unequal for those who are not.

Therefore, when we note the ITU treaties' reference to "equitable" access and their use of the words "bearing in the mind the needs of the developing countries", we see that the international community - because the ITU is nothing more than a grouping of the same countries that are meeting here - has recognized that there are differences between countries; it has recognized that there should be special treatment for certain countries, and that these differences must be borne in mind in its regulations.

Thus, the aim of this document is precisely to develop into practice this well-known principle of equity now enshrined in international rules. But it so happens that the principle of equity cannot be achieved without establishing preferential rights. We have therefore proposed a form of law that makes clear that the preference set out for the developing countries does not place them in a special position vis-à-vis the other countries. Our sole aim is to create a situation identical to the unequal situation existing in the use of outer space.

Now, we view this preferential law as being restricted to cases where there is an equality of claims to access to a same position in the orbit. We

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understand, of course, that this will generate a conflict, not so much because of the physical location of the satellites - we all know that this is not the problem - but because of the possibility of radioelectric interference resulting from the placing of vehicles in the same orbital position. Perhaps that is the very minimum the developing countries could ask of the international community, since when there is a conflict about the possibility of using the same position in the orbit, the preference should be given to the developing countries or to a country that has not yet had access to the orbit. Of course, this principle is being developed in the light of the possibility of studying the placing of a time limit on the application of preferential law. That issue cannot be left open.

All those factors would have to be studied and analysed. But we believe - I must repeat this - that the only way of doing work complementary to that of the ITU is to develop in practice the principles which that organization - and, I repeat, it is composed of all of us, meeting in a different forum - has established for the geostationary orbit.

Our aim was to make a significant contribution, to take a step forward after 17 years of hard labour on the item of the geostationary orbit. We are very pleased to see that there is an opening on the part of many delegations in the Committee in regard to this question. Indeed, we have not heard a position expressed that is directly opposed to studying this problem from a new standpoint.

Let us forget the way we used to deal with this matter. It is a problem not of equatorial countries but of the developing countries seeking equity in the use of the geostationary orbit. Hence, the equatorial countries and the developed and developing countries can agree on this new position because they

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are all aware, from reading the ITU's report, of the situation in regard to the use of the geostationary orbit today.

I therefore invite delegations to consider and analyse this item in the way that items have always been dealt with in the Committee. I ask them to remember that our sole intention is to seek progress and development on an item that is so important because it provides us with the opportunity to reach international agreement and greatly enrich space law.

Finally, I would refer to the importance our delegation attaches to the holding of the second Conference on space in Chile. We call for significant cooperation by all delegations and by the United Nations.

With regard to the item on the site for the work of the Committee and its Subcommittees, I believe that the eloquence of the representative of the Soviet Union has made any further comment unnecessary.

Mr. HERNANDEZ BASAVE (Mexico) (interpretation from Spanish): With regard to the items on the agenda of the Legal Subcommittee my delegation, during the general debate and the discussion of item 7, referred to Mexico's position on the elaboration of draft principles relevant to the use of nuclear power sources in outer space and, particularly, to our preference for not reopening now a debate on any of the draft principles already agreed to. We should simply like to express our heartfelt gratitude to Mr. Hans Winckler, your fellow countryman, Sir, for the skill and patience with which he directed our work in the Working Group on this subject.

On the item relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, we note with concern that some still believe that this item should be removed from the agenda. The Mexican delegation does not share that view. On the contrary, we are convinced of the relevance of establishing a delimitation between airspace and outer space. My delegation therefore supports the Soviet Union proposal that, as regards this aspect of the item, we should study the legal problems relative to future flights of airspace systems. We are also convinced of the urgency of establishing a special legal regime for the use of the geostationary orbit.

The informal working paper put forward this year by the delegation of Colombia is extremely useful because it provides us with a good basis for our future discussions. The Chairman of the Group of 77 and many other delegations have said that during this meeting. My delegation finds much that is good in the working paper. It is a serious and constructive contribution to the development of the principle of equity in the use of the geostationary orbit, which, as we all know, is a limited natural resource that could reach a saturation point.

(Mr. Hernandez Basave, Mexico)

My delegation wishes to make a few comments on the new item on the agenda of the Legal Subcommittee - "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries".

As a co-sponsor of the working paper which contains a draft set of principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes and which was submitted to the Legal Subcommittee this year by the delegations of Argentina, Brazil, Chile, the Philippines, Nigeria, Pakistan, Uruguay, Venezuela and Mexico, my delegation wishes to contribute actively to the strengthening and development of the principle contained in article I of the 1967 outer space Treaty.

We believe that the principles proposed in the working paper would promote international cooperation in activities in outer space and in its exploration. The establishment of a legal framework for undertaking international cooperation programmes in the exploration and utilization of outer space would make a positive contribution to maintaining outer space for exclusively peaceful purposes and to guaranteeing an equitable distribution of the spin-off benefits of space activities.

One of the working paper's main aims is to ensure that international cooperation in outer space enables all States to develop their own capacities in space science and technology and their applications. The draft set of principles also stresses the need to preserve the outer space environment. Principle V reads:

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"States should pay due attention to all aspects related to the protection and preservation of the outer space environment, especially those potentially affecting the Earth's environment." (A/AC.105/484, annex IV B (p. 48))

The working paper seeks also to strengthen the United Nations role in this sphere, particularly through the United Nations Programme on Space Applications. In order to give concrete meaning to these principles, the sponsors propose that all States should concentrate their efforts in the following six areas: first, promotion of the development of indigenous capability in space science and technology, particularly in the developing countries; second, continued exchange of information, data, materials and equipment on space science and technology; third, promotion of joint partnerships or ventures in the spheres of space science and technology; fourth, promotion of easy and low-cost accessibility and availability of remote-sensing data, the ground receiving stations and the digital image processing system; fifth, technical cooperation to promote and facilitate the transfer of technology and expertise in space science and technology, particularly with the developing countries; and, sixth, redistribution of the spin-off benefits of space science and technology. We once again urge all delegations in the Committee to continue their active participation in the consideration of this item. The working paper I have referred to is a solid basis for our future discussions of the subject.

In conclusion, my delegation expresses its thanks to two of our Latin American friends for the great efforts they have made in the prosecution of our work - Mr. Estanislao Zawels, representative of Argentina, and Mr. Raymundo Gonzales, head of the Chilean delegation. Both have shown great

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dedication and ability in chairing the two Working Groups on items 4 and 5 respectively of the Legal Subcommittee's agenda. We also appreciate the work done by Mr. Mikulka, representative of Czechoslovakia, as Chairman of that Subcommittee.

ORGANIZATION OF WORK

The CHAIRMAN: Tomorrow, Tuesday, it is my intention to continue our debate on item 8 in the morning; in the afternoon, we shall continue and conclude the debate on item 8 and continue our debate on item 10, "Spin-off benefits of space technology". Those wishing to speak on these items should inscribe their names with the secretariat as soon as possible.

The meeting rose at 5.20 p.m.